

01,M/L
6.2.2023
S.D.

W.P.A. 7925 of 2017
With
CAN 1 of 2020
(Application not found)

Gaurav Singh
Vs.
Union of India & Ors.

Mr. Debjyoti Dutta
Mr. Gopal Das

... For the Petitioner

Mr. Vipul Kundalia
Mr. Anurag Roy

...For the Respondent Army Authorities

From the report dated January 30, 2023, it appears that the petitioner is medically **fit** on account of Knock Knees and **unfit** on account of Dropping Shoulders and Scoliosis.

The report by the Command Hospital is retained with the records.

Mr. Dutta, learned counsel appearing on behalf of the petitioner submits that the petitioner has subsequently been held to be **fit** by various other hospitals and the said reports have been annexed to a supplementary affidavit handed over in Court today.

Such supplementary affidavit is retained with the records.

Mr. Kundalia, learned counsel appears on behalf of the respondent authorities.

Since this Court called for a report from the Superintendent of the Eastern Command Hospital/any hospital to examine the petitioner and give its opinion whether the petitioner is **fit** to work as a Soldier, this Court is not inclined to look into the other reports which have been furnished subsequently on behalf of the petitioner from civilian hospitals.

The Writ Court cannot go into disputed questions of fact regarding the medical **fitness** of an incumbent to be recruited as a soldier (General Duty).

In the above circumstances, the writ petition being **W.P.A. 7925 of 2017** is **dismissed** without any order as to costs. **CAN 1 of 2020** is also accordingly **disposed of**.

The parties are allowed to make copies of the report as forwarded by the President of the Medical Board for Commandant of the Eastern Command Hospital.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)